IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Crl.MC.No. 1692 of 2007()

CMP.794/2007 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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PETITIONER:

P.SASI, S/O.KRISHNAN, AGED 48,
RESIDING AT SREYA KIZHYARA, P.O.MAVILAI,
KANNUR (SECRETARY, CPI(M) KANNUR DISTRICT
COMMITTEE, KANNUR).

BY ADV. SRI.K.S.MADHUSOODANAN

RESPONDENTS:

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1. STATE OF KERALA TO BE REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. STATION HOUSE OFFICER, PANOOR POLICE
STATION, PANOOR.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1692 OF 2007

Dated this the 4th day of June, 2007

ORDER

The petitioner claims to be the registered owner of a vehicle. There was an attack against the said vehicle. Bombs were hurled at the vehicle. The vehicle suffered damage. A crime was registered. The vehicle was seized by the police. The petitioner, being the Secretary of a political party which owns the vehicle, applied before the learned Magistrate for release of the vehicle. The learned Magistrate did not release the vehicle on the ground that the vehicle was required in connection with investigation/trial. Accordingly, the petition was dismissed. The petitioner has come to this Court complaining about the stand taken by the learned Magistrate. In fairness, the vehicle should not have been ordered to be detained at the Police Station/court indefinitely awaiting the final trial. Subject to appropriate conditions, it should have been released, submits the learned counsel for the petitioner.

2. The learned Public Prosecutor, after taking

instructions, submits that the State has no objection against the release of the vehicle, subject to appropriate conditions.

3. I am satisfied that the fair stand taken by the State can be accepted. I find no reason not to direct the release of the vehicle and insist on keeping the same in custody indefinitely. The decision in **Sunderbhai Ambalal Desai v. State of Gujarat** (AIR 2003 SC 638) clearly refers to the advisability of such procedure.

4. In the result, this petition is allowed. The vehicle in question shall be released to the petitioner by the learned Magistrate on condition that:

(i) the petitioner produces the documents to show that the vehicle belongs to the political party in question and that he is the Secretary of such party; and

(ii) he executes a bond for such amount to be fixed by the learned Magistrate in his discretion along with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

Sd/-
(R. BASANT, JUDGE)

Nan/ //true copy// P.S. To Judge